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# THE QUARTERLY

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## THE NAVY OF THE REPUBLIC OF TEXAS.

ALEX. DIENST.

### II.

#### THE FIRST NAVY OF TEXAS.

##### V. THE LIBERTY.

While, as noted in the last chapter, instructions were being carried to Captain George Wheelwright, the newly appointed commander of the *Liberty*, Captain William S. Brown, intent upon a capture, was cruising on the high seas with the *Liberty*, seeking Mexican vessels. On March 3, 1836, he fell in with the *Pelicano*, a trading schooner, commanded by Captain Pérez.<sup>1</sup> The *Pelicano* was cleared from the port of New Orleans on February 25, 1836, by James W. Zachari, with a cargo purporting to consist of 550 barrels of flour; but in each barrel after the capture it was found that there were concealed three kegs of gunpowder intended for the Mexican army. The *Pelicano* was a Baltimore built vessel of the first class, carrying three large brass pieces, and having on board, besides her crew, twenty soldiers, double armed with muskets.<sup>2</sup> As the *Liberty* carried but four small guns, she was really venturesome to attempt the capture, especially as the fight took place within point blank range of the guns of the port of Sisal.

<sup>1</sup>*Commercial Advertiser*, New Orleans, April 25, 1836; undated clipping from the New Orleans *True American*, Austin Papers.

<sup>2</sup>*House Journal*, 3d Tex. Cong., 114.

Three of the *Liberty's* men, led by James O'Connor,<sup>1</sup> boarded the *Pelícano*. Before others could go to their assistance they killed seven marines, and caused several others to jump overboard, and the remainder to seek refuge beneath the hatches. The prize was manned with a crew and carried to Matagorda Bay, where she was wrecked in attempting to cross the bar.<sup>2</sup> The cargo, however, was saved. In landing, some of the barrels were stove in, and it was then that they were, upon examination, found to contain powder.<sup>3</sup>

It seems that Zachari and Company denied that the powder was on board the *Pelícano*. When this denial came to the knowledge of Captain Brown, he addressed the following letter to John Gibson, editor of the *True American*, a paper friendly to Texas:

GALVESTON BAY, May 8, 1836.

*To the Editor of the True American.*

SIR—By Capt. Appleton, I am informed that J. W. Zacharie denied that there was any Powder on board schooner *Pelícano*. I do assure you that there was 280 kegs—whether he knew it or not, I am not able to say. In addition to the above quantity, there were a number stowed in barrels of apples, potatoes, etc. I have found a number of letters on the Prize which proved the above fact. I feel it to be my duty to state these facts in regard to the Powder. There was no mention made of it on the manifest.

My situation requires that I should keep a constant lookout, and when I see the Mexican flag flying, I shall either take it or be taken. I can not fly from a Mexican, and will not.

Respectfully yours,

W. S. BROWN,  
Commander Schooner *Liberty*. (Texian.)

In a proclamation of March 31, 1836, General Houston refers to the capture of the *Pelícano* as follows: "Captain Brown, with one of our vessels, has taken a Mexican vessel with 420 barrels of flour, 300 kegs of powder and other supplies for the army."<sup>4</sup>

From the date of Captain Brown's letter above, it is evident that he was in Galveston Bay May 8, 1836. Whether he relinquished the command of the *Liberty* at this time to George Wheel-

<sup>1</sup>Archives of Texas, file 2424.

<sup>2</sup>*Telegraph and Texas Register*, August 18, 1838, Austin Papers.

<sup>3</sup>New Orleans *Commercial Advertiser*, April 25, 1836, Austin Papers.

<sup>4</sup>Proclamation to the people of the east of Brazos, March 31, 1836. Copy in an unidentified newspaper clipping.

wright, who had been commissioned on March 12, there is no evidence to show; but from a short sketch of Brown, which afterwards appeared in the *Telegraph and Texas Register*,<sup>1</sup> he seems at about this time to have committed some act which caused Commodore Hawkins to order his confinement in irons, and for this he resigned. In the summer of 1836 President Burnet gave him another commission, with the express understanding that he was not again to be subject to the order of Commodore Hawkins. He went to New Orleans to get a boat and there died.<sup>2</sup>

It is very probable that in May or June, 1836, Captain Wheelright took command of the *Liberty*, but her next cruise to New Orleans was her last. She accompanied as a convoy the schooner *Flora* with the wounded General Sam Houston on board, and arrived at New Orleans May 22, 1836.<sup>3</sup> She was here detained on account of repairs, and in July was sold to pay the cost of them.<sup>4</sup> In the legislative halls of Texas we hear an echo of the *Liberty* in after years in the form of a petition from the captors of the schooner *Pelicano* for their share of the prize. The petition was favorably reported by the Judiciary Committee, whose report recites, among other things, that the district court of Brazoria county, which by law was invested with admiralty jurisdiction, had duly condemned the *Pelicano* and her cargo as lawful prize; that the value of the cargo of flour was \$7584.05; and that half of that amount was due the captors.<sup>5</sup> The committee, therefore, recommended a joint resolution for the payment of their just share to the officers, crew, and marines of the *Liberty*. James O'Connor, the first man to board the *Pelicano*, was to receive an extra share.<sup>6</sup>

This closes the history of the *Liberty*, whose career, while brief, was not unworthy of her name, save in her ending, which, if a reflection at all, is rather on her government than on herself.

<sup>1</sup>August 18, 1838.

<sup>2</sup>Captain William Brown was a younger brother of Jeremiah Brown, who was appointed captain of the *Invincible*.

<sup>3</sup>New Orleans *Commercial Bulletin*, May 23, 1836.

<sup>4</sup>Henry W. Morfit, Report, Velasco, Texas, August 13, 1836; in *Senate Docs.*, 24th Cong., 2nd Sess. (Serial No. 297), Doc. 20, p. 5.

<sup>5</sup>*House Journal*, 3d Tex. Cong., 114.

<sup>6</sup>Archives of Texas, file No. 2424.

## VI. THE INVINCIBLE.

In Chapter IV the *Invincible* was left at the point where, on March 12, 1836, Captain Jeremiah Brown was appointed by the General Consultation to her command.<sup>1</sup> With his commission he also received orders to cruise along the coast and engage or drive off the Mexican war vessel, *Montezuma*. This vessel had so far done no great harm to the Texan interests, but since she was first reported off the Texan coast in November, 1835, shippers had lived in constant dread of her. After patrolling the coast for some time, Captain Brown received a hint to search for the *Montezuma* near the mouth of the Rio Grande. He arrived there opportunely. An embargo had been laid by the Mexican government on all vessels in the port of Matamoras in order to prevent information reaching the Texans of an expedition which was being prepared to land two thousand men at C6pano Bay. The *Montezuma*, now rechristened the *Bravo*,<sup>2</sup> had just crossed the bar at the mouth of the Rio Grande, which is some thirty-five miles from Matamoras, and had lost her rudder. On the third of April, at ten o'clock a. m., while she was waiting to refit inside, the *Invincible* came in sight from the north. At 12 o'clock she came opposite, and Lieutenant William H. Leving, in a small boat, went on board the *Bravo*. The *Bravo*, becoming suspicious, slipped her cable and endeavored to retreat with Lieutenant Leving on board. A sharp engagement then took place. The *Bravo* could not be steered, and ran aground near the north beach, where she was almost completely wrecked by a broadside from the *Invincible*. The crew reached the shore

<sup>1</sup>In the course of her career the following officers served for varying terms on the *Invincible*: Captains Jeremiah Brown and Henry L. Thompson; Lieutenants F. Johnson, William H. Leving, P. W. Humphreys, ——— Newcomb, James Perry, Harrie Hornsby, Randolph Lee, ——— Logan, James Mellus, and James Sever; Surgeons O. P. Kelton and Dunn; Purser F. T. Wells; Sailing Masters Daniel Lloyd and Abbott; Midshipmen Alf. A. Wate and Robert Foster; Boatswain ——— Smith; Gunner Fred Franson; Captain of Marines F. M. Gibson; Lieutenants of Marines F. Ward and ——— Brooks. This list, which is compiled from Tennison's Journal, the New Orleans newspapers, and *The Texas Almanac*, 1860-65, is as complete as I can make it.

Yoakum, II, 124, says that L. Brown commanded the *Invincible*; there was no Captain L. Brown, and Captain W. S. Brown commanded the *Liberty*. The *Texas Almanac*, 1860, p. 58, says that Captain I. B. Brown commanded the *Invincible*; this also is an error.

<sup>2</sup>The Matamoras correspondents of the New Orleans papers call the vessel the *Bravo*, but explain that it was formerly the *Montezuma*.

in safety, carrying with them Lieutenant Leving. The *Invincible* sustained no damage, but Lieutenant Leving was shot as a pirate on April 14, 1836.

While the action was going on between the *Invincible* and the *Bravo*, at two p. m. the *Pocket* came in sight. This vessel was from Boston, commanded by Elijah Howes, who sailed from New Orleans on the 28th day of March, laden with a cargo, shipped by Lizardi and Company of that city, generally understood to be Mexican agents. Captain Brown captured the *Pocket* and sailed into Galveston, where it was detained. Captain Howes and some of his crew proceeded to New Orleans, where he filed with the United States district attorney a protest against the capture. This reads as follows:<sup>1</sup>

. . . at half past two o'clock P. M. saw two sails off the Brassos, St. Jago, which fired several guns each; . . . in a short time the schooner which carried the Mexican flag bore away and stood for the shore, and the other vessel tacked ship and stood for his brig, she being about three or four miles distant; . . . they kept this course and said vessel run a short distance to the windward and spoke them. . . . The captain answered he was from New Orleans, and bound for Matamoras. The schooner that made these inquiries, proved to be the Texian armed vessel *Invincible*, Brown, commander, who ran a short distance past them, and then tacked ship and ran close to the windward of them. That said schooner then sent her boat on board the brig, with orders to Captain Howes, to proceed on board the *Invincible* with his papers, which was accordingly obeyed; . . . Abbott, sailing master of said vessel,—with one officer and several armed men took charge of the brig, . . . [and] the Texian flag of 1824 was hoisted in its place at the main peak of the *Invincible*. . . .

The protest then recites that, after remaining at this point for two days, the two vessels sailed together, reaching the mouth of the Brazos after a voyage of forty-eight hours. On arriving at Galveston the next day, they were detained there until April 24, 1836, when Captain Howes and his crew received permission to sail for New Orleans. They were informed by the Texan authorities that the *Pocket* would be retained as a guard ship. Upon this Captain Howes told them that he would abandon her. This he

<sup>1</sup>An unidentified newspaper clipping.

did, losing cargo, freight, and passage money. He arrived at New Orleans on the tenth day of May, and noted this protest:

And thereupon these said officers, and especially the said master, did protest, and with them I, notary, at their request, do most solemnly and publicly protest:

First, against the winds and the waves and the danger of the sea generally.

Second, against the illegal capture and detention of the afore-said vessel and cargo.

The *Invincible* was denounced as a pirate to Commodore Dallas, who was commanding a United States squadron at Pensacola, and he ordered the sloop *Warren* to capture her, which was done on May 1.<sup>1</sup> The *Invincible* was carried into New Orleans, and forty-six of the crew were imprisoned. Captain Brown was not on the vessel when it was captured. On May 4, the prisoners were called for trial; but witnesses for the prosecution did not appear, and the case was postponed until the 6th,<sup>2</sup> when it was taken up before Judge Rawle of the United States district court.<sup>3</sup> The lawyers for the defense were Messrs. Seth Barton, Randall Hunt, and O. P. Jackson. But four witnesses were examined. Three officers of the *Warren* testified that they had taken the *Invincible* on charges preferred against her by an insurance company of New Orleans that she had detained an American vessel. The court here adjourned until the following day, when the case came up again. No affidavits appearing, and no evidence being introduced to warrant a commitment for trial, the prisoners were discharged. The *Commercial Bulletin*<sup>4</sup> reviewed the case as follows:

. . . We have never seen a finer collection of robust, and honest faced tars, than the prisoners, and in a good cause, we should ever hope, that they might prove invincible. . . .

The defense of the Texans was that the vessel was captured in Mexican waters for contravening the laws of the Republic, i. e. Texas, by having on board contraband goods, powder, etc., and for contravening the laws of Nations by having on board material of war for the use and advantage of Santa Anna, who was impatiently awaiting the same. . . . They also said the vessel

<sup>1</sup>*New Orleans Bee*, May 3, 1836.

<sup>2</sup>*New Orleans Commercial Bulletin*, May 5, 1836.

<sup>3</sup>*Ibid.*, May 7, 1836.

<sup>4</sup>*Ibid.*

was detained for examination, by reason of her having two of Santa Anna's spies on board, with plans and charts to aid in the downfall of Texas, which was proven. The captain not being able to read Spanish in which the invoices and correspondence were written carried her before the admiralty court of Texas, where the truth came out. The court finding the *Pocket* laden with contraband goods, purchased with Santa Anna's money by his agent Lizardi, condemned them as a lawful prize, paid the captain his freight, nine hundred dollars, and later dismissed the vessel as neutral.

Captain Brown now came forward and was arrested, but was immediately released and thus escaped the preliminary jail term which the crew suffered. The episode closed with a letter of thanks from the Texans in New Orleans to the attorneys for the defense for their efficient service, part of which is as follows:<sup>1</sup>

NEW ORLEANS, May 7, 1836.

*To Seth Barton, Randal Hunt and O. P. Jackson, Esqrs.*

Gentlemen: We the undersigned citizens of Texas, embrace this opportunity of expressing to you our most heartfelt gratitude, in behalf of the officers and crew of the Texian man of war schooner *Invincible*, that of our country and ourselves, for the very able, lucid and eloquent manner, in which you defended the noble and grateful crew, from the false imputation of piracy, brought against them by the secret Mexican influence of this city. . . .

If in some future day you should visit our beautiful land, which is destined to be one of the most prosperous and happy on earth, your reflection must be pleasing indeed, to know you were among the number who voluntarily contributed to our righteous cause.

THOS. J. GREEN,

Brig'r Gen. of the Army of Texas.

A C ALLEN

SAMUEL M. WILLIAMS

S RHOADS FISHER

JAMES POWER

EDWARD CONRAD

HENRY AUSTIN

EDWARD HALL

SAMUEL ELLIS

Ro. WILSON

T. G. WESTREN

D. C. BARRITT

WM. BRYAN, Texas Agent.

<sup>1</sup>New Orleans *Commercial Bulletin*, May 10, 1836.



All claims against Texas on account of the *Pocket* were finally settled by a convention between the Texan government and that of the United States, the ratifications of which were exchanged July 6, 1838. The amount agreed upon was \$11,750, which was paid, together with accrued interest, July 6, 1849. The whole amount was \$12,455.<sup>1</sup>

After her release the *Invincible* was used for coast defense. In June, 1836, she figured in another exciting incident. In accordance with the treaty of Velasco, concluded May 14, 1836, the Texan government determined to transport President Santa Anna to Vera Cruz, and for that purpose he had already embarked on the *Invincible*, when, on the 5th of June, General Thomas Jefferson Green arrived with volunteers from New Orleans in the *Ocean*, and forbade the *Invincible* to sail.<sup>2</sup> Whether or not it was for the good of Texas that Santa Anna was detained and whether or not the government could have prevented the detention, will always remain debatable questions; but it is in any case a fact that Texas violated a treaty in permitting it.

The Mexican navy at this time was ascertained to be lying in port, wanting men, arms and other equipment;<sup>3</sup> so the *Invincible* remained riding at anchor off the bar of Velasco, until July 4, when, as already related, she went to the relief of the schooner *Brutus*,<sup>4</sup> which was blockaded at Matagorda by the *Vencedor del Alamo*. This vessel had been dispatched from Vera Cruz to protect the Mexican schooners, *Comanche*, *Fanny Butler*, and *Watchman*, which were laden with provisions for the Mexican troops.<sup>5</sup> Finding that the Texans had already intercepted these vessels, and appropriated their cargoes, the *Vencedor del Alamo* very wisely returned to Vera Cruz.<sup>6</sup> There the *Invincible* finally found and

<sup>1</sup>For a more detailed account of the case of the *Pocket*, see the article by Mr. Neu in this number of THE QUARTERLY.—EDITOR QUARTERLY.

<sup>2</sup>See Williams, *Life of Sam Houston*, 218-221.

<sup>3</sup>New Orleans *Commercial Bulletin*, June 14 and July 13, 1836.

<sup>4</sup>See THE QUARTERLY, XII, 195. In the navy manuscripts of the Texas State Library are several letters dated Velasco, May 30, 1836, disclosing a serious misunderstanding between Commodore Hawkins and Captain J. Brown. Hawkins wished to remove Brown from the command of the *Invincible*, but he failed to accomplish his object.

<sup>5</sup>New Orleans *Commercial Bulletin*, July 18, 1836.

<sup>6</sup>The story of the capture of these vessels is extremely interesting. On the 29th of May, 1836, General Rusk ordered Major Isaac Burton, commanding a company of mounted rangers to scour the coast from the

challenged her to battle, which was declined on the pretext that the crew of the vessel challenged were, for want of pay, not in a condition to fight. Later the *Invincible* fell in with a French vessel, and Captain Brown had to explain that he was not a pirate, but was sailing under the flag of Texas. The captain of the Frenchman was greatly surprised; for he had never heard of such a country, and did not know where it was; and he could not realize the fact of the creation of a new republic, not known to him.<sup>1</sup>

The *Invincible* now went to New Orleans; and after taking on board as passengers Branch T. Archer and William H. Wharton, she left, on July 13, 1836, for Galveston.<sup>2</sup> From here she cruised to Velasco, and about August 4<sup>3</sup> was ordered by President D. G. Burnet to New York for much needed repairs. She reached there in September, 1836. Unable to leave for want of funds, she might have been sold to meet expenses, but Hon. Samuel Swartwout paid her liabilities and let her go. She escaped arrest for violation of the neutrality laws of the United States only by running away from the vessel sent in pursuit of her. On March 14, 1837, she reached Galveston once more.

In the preceding October General Sam Houston had succeeded to the Presidency of Texas under the permanent government; and, in making his nominations to the Senate for commissions in the navy, he raised the list of officers to a number commensurate with the size of the navy. In April, by orders from the Navy Depart-

Guadalupe to Refugio. The company, though well mounted and armed, consisted of but twenty men. On the 2nd of June they received news of a suspicious vessel in the Bay of C6pano. By the break of day the next morning they were in ambush on the shore, and at eight o'clock, a signal was made for the vessel to send its boat ashore. Five men landed from the boat, and were promptly made prisoners. It was then manned by sixteen of Burton's rangers, who had no difficulty in seizing the *Watchman*. The vessel was ordered round to Velasco; but on the 17th, while it was still detained by contrary winds, the *Comanche* and *Fanny Butler*, also freighted with provisions for the Mexican army, anchored off the bar. The captain of the *Watchman* was made to decoy the commanders of these vessels on board his own, when they also were captured, and all three, with their valuable cargoes, were sent into the port of Velasco and condemned. From these bold achievements Major Burton and his rangers obtained the popular title of the "Horse Marines." The freight—worth \$25,000—was of great service to the army.—*Telegraph and Texas Register*, August 2, 1836, and Yoakum, II, 160.

<sup>1</sup>*Telegraph and Texas Register*, August 16, 1836.

<sup>2</sup>*Louisiana Advertiser*, July 14, 1836.

<sup>3</sup>*Texas Almanac*, 1860, p. 163.

ment, Commander H. L. Thompson assumed the command of the *Invincible*. Accompanied by the *Brutus*, he first sailed in June to the mouth of the Mississippi; but, failing to find any of the enemy there, after a cruise of seven or eight days he turned to the coast of Mexico. On board with him was the Secretary of the Navy, S. Rhoads Fisher. The peculiar conduct of Fisher in abandoning his official duties at Houston to join in this cruise, he sought to justify in a letter to Dr. Bartlett, editor of the New York *Albion*, dated June 17, 1837, of which the essential part is in the following excerpt:<sup>1</sup>

It is ten days since I left Houston and immediately joined our little squadron, then lying in Galveston Bay, and after convoying the schooner Texas, laden with Government stores to Matagorda Bay, up helm and bare away for Galveston, to receive orders from the President; we shall be there tomorrow, and shall stretch to the southward with the hope of falling in with the enemy. I am a volunteer. I can not precisely say amateur, but I have thought for some time upon the expediency of personally taking a part with the Navy, and have decided it was right. I know, you gentlemen of systematized governments will smile at the idea of the "Secretary of the Navy" turning sailor, and may be inclined to consider it better adapted to the adventure seeking disposition of the knight of the rueful countenance; but my opinion is that it will inspire great confidence in the men, and stimulate our Congress to do something for us; for it appears that this branch of national defense has never been popular in its infancy in any country; it ever has been compelled to fight itself into notice and government patronage; such at least I am satisfied is our case, and I think that my present step is precisely such as will suit the meridian of the views of our Texas population. We must be governed and actuated by such course as may best suit us; we are acting and legislating for ourselves and not for the world, and however at variance our system of policy may be with the preconceived ideas of right or wrong amongst the world at large, I humbly conceive that as we have to lie in the bed, we have the right to make it. Therefore, it is that however quixotic my present step may appear, and indeed for the United States or Great Britain would be, I am satisfied it is right.

In the course of this cruise several pirogues were captured at Mujeres Island. From them sails and provisions were obtained. In one was found a cargo of log wood, which the cap-

<sup>1</sup>See *Telegraph and Texas Register*, September 9, 1837.

tain of the pirogue redeemed for \$660 when they arrived at Sisal. This place was cannonaded by the Texans for three hours, but the attempt to take it was finally abandoned. The sailors and marines made repeated landings on this cruise and burned to the ground eight or nine towns. On one occasion Secretary of the Navy Fisher and Captain Boylan, then commanding the *Brutus*, landing with a few men and leaving their guns with their boat, strolled two or three hundred yards from the shore, when they were nearly captured by a small body of Mexican cavalry. Secretary Fisher used a pistol which he chanced to have with him and shot one of the Mexicans from his horse.<sup>1</sup> The Mexican fleet was meanwhile lying at Vera Cruz unmanned. Close to the Alacranes Island, the *Eliza Russell*, a British schooner in the Mexican trade, and the *Abispa*,<sup>2</sup> a Mexican vessel having on board a cargo transferred from the British schooner *Little Pen*<sup>3</sup> that had been wrecked on the island, were added to the list of prizes; but the *Eliza Russell* was soon released. The British government put in claims against that of Texas for damages on behalf of the master of the *Eliza Russell* and the owners of the cargo of the *Little Pen* amounting in the aggregate to about thirteen thousand dollars. The *Eliza Russell* claim—about four thousand dollars—was finally paid, but that of the *Little Pen* was not.<sup>4</sup>

Concerning the capture of the *Eliza Russell*, President Houston, in his message of November 21, 1837, expressed himself as follows:<sup>5</sup>

A circumstance [that] occurred during the last cruise which was directed by the executive, demands of me in this communication to notice the same to the honorable congress. Orders were issued from the navy department by direction of the executive, to the commander of the navy that all neutral flags should be respected, unless the vessel was bound to an enemy's port, and

<sup>1</sup>*Telegraph and Texas Register*, August 22, 1837, quoting the *Matagorda Bulletin*.

<sup>2</sup>Historians spell this name differently. Yoakum (II, 213) makes it "*Alispa*"; the *Texas Almanac*, 1860 (p. 164), "*Obispa*"; Brown (II, 127), "*Arispe*"; and Bancroft (II, 283), "*Avispa*." Bancroft explains at length that *Avispa* means wasp in Spanish; and that therefore, "*Avispa*" must be correct. I use the variant form "*Abispa*," because it is this which appears in the documents I am following.

<sup>3</sup>This is the spelling invariably used by the British *chargé*, Elliot.

<sup>4</sup>For further details relative to the cases of the *Eliza Russell* and the *Little Pen*, see THE QUARTERLY, IX, 5-7.

<sup>5</sup>*Telegraph and Texas Register*, November 25, 1837; Cranc, *Life and Select Literary Remains of Sam Houston*, 291.

*had on board articles contraband of war.* In violation of these orders, the *Eliza Russell*, an English brig was seized and sent into port, with a valuable cargo of fine goods, but containing nothing *contraband of war!* Upon information of the circumstances, the executive directed her immediate release, and the payment of damages, so far as he deemed it within his competency. The subject will be presented to Congress by the owner of the vessel, with a minute statement of all the facts. The circumstances of the case were immediately communicated to our commissioner near the court of St. James, and the executive has been assured that the despatch would reach England by the time of his arrival. Other acts connected with the cruise of a character not calculated to elevate us in the scale of nations, were done either without orders, or in direct violation of those which had been issued by the department.

By "other acts," President Houston probably meant S. Rhoads Fisher's absence from the seat of government, and the fact that the *Invincible* overstayed the term of her sailing orders nearly two months. For this, and the illegal detention of the *Eliza Russell*, Fisher and Captain Thompson of the *Invincible* were suspended by the President from their duties until they could be tried. Fisher's trial took place before the Senate, and resulted in a resolution sustaining the president in his suspension of the secretary, and asking the latter, for the sake of harmony, to resign, while declaring at the same time that he was not found guilty of any crime or dishonorable conduct.<sup>1</sup> The department of the navy investigated the charges against Captain Thompson;<sup>2</sup> but it seems he was spared an earthly trial, for on November 1, 1837, he died. There was one solitary acknowledgment of his brave and splendid services for Texas, the record of which is as follows: "As a mark of respect to the memory of Captain H. L. Thompson, of the Texian Navy, who died this morning, on motion of Mr. Wharton, the Senate adjourned until 3 o'clock P. M."<sup>3</sup> Captain Thompson's experiences could hardly have failed to convince him of the truth in the old adage that republics are ungrateful.

On August 26, 1837, the *Invincible* and the *Brutus*, with the *Abispa* in tow, entered Galveston harbor. The *Brutus* entered the

<sup>1</sup>*Senate Journal*, 2d Tex. Cong., 1st and 2nd Sessions, 74-78, *passim*; Senate resolutions adopted November 28, 1837, Archives of Texas, 805.

<sup>2</sup>*House Journal*, 2nd Tex. Cong., 1st and 2nd Sessions, 170.

<sup>3</sup>*Senate Journal*, 2nd Tex. Cong., 42.

harbor with the *Abispa*; but, because of unfavorable conditions, the *Invincible* remained outside till morning, when she was attacked by two Mexican armed brigs, the *Vencedor del Alamo* and the *Libertador*. In coming to her assistance the *Brutus* ran aground and the *Invincible* continued the fight alone against both the Mexican vessels. Though both of these could outsail her, they would not risk an attempt to board, and were several times forced to draw away from close quarters. Finally, toward evening, the *Invincible* abandoned the struggle and undertook to enter the harbor; but in the attempt she also ran aground. The crew were saved, but during the night the vessel went to pieces.<sup>1</sup>

On May 23, 1838, President Houston approved a joint resolution authorizing the secretary of the treasury to pay to the officers and crew of the *Invincible* one-half of the proceeds of the prizes made by said vessel in her last cruise, which had been legally condemned.<sup>2</sup> This is the last official notice relative to the *Invincible*. Some of the officers and crew we shall find aboard other Texan vessels as we pursue our history. The *Invincible* did a great service for Texas, and her name should never be forgotten by those who love to give honor where honor is due.

#### VII. THE BRUTUS.

In the chapter devoted to the purchase of naval vessels a sketch was given of the *Brutus*—her armament, cost, and the officers appointed on March 12, 1836, to command her.<sup>3</sup> It was also there mentioned that she was intended for the Texan service as early as

<sup>1</sup>The *Telegraph and Texas Register*, September 2, 1837.

<sup>2</sup>Gammel, *Laws of Texas*, I, 1495.

<sup>3</sup>See THE QUARTERLY, XII, 201-203. At various times the following officers served on the *Brutus*: Captains L. C. Harby, William A. Hurd, and James D. Boylan; Lieutenants L. M. Hitchcock, ———— Lacy, John Damon, ———— Hoyt, G. W. Estis, J. G. Hurd, Osby Davis, ———— Mossat, Libel Hastings, ———— Dearing and ———— Galligher; Surgeon A. M. Levy; Purser Norman Hurd; Boatswain ———— Brown. Henry Riley served as an officer in some capacity, but his rank is unknown. Officers of marines were: Captain Arthur Robertson and First Lieutenant William Francis.

This list is compiled from Tennison's Journal, the New Orleans newspapers and the *Texas Almanac*, 1860, p. 165. In the list of the *Texas Almanac*, I. D. Bolan should be J. D. Boylan; I. G. Hurd should be J. G. Hurd; and it should be noted that Lieutenant Mellus did not serve on the *Brutus*. Brown, II, 127, writes "Boyland," and this is the spelling of the name in the Naval Papers of the State Library.

December, 1835. She was in the port of Galveston, when the *Invincible* arrived, on April 8, 1836, with her prize, the *Pocket*. She soon left Galveston, and after a short cruise stopped at New Orleans, during the trial of the crew of the *Invincible*. When the trial was over, Captains Brown and Hurd boasted that, from that time on, they would warn all United States vessels which they encountered beyond the jurisdiction of the United States against continuing their voyages; and that, if afterwards these vessels should be found doing so, they would be seized and condemned. As the Texas navy was unable to blockade the various Mexican ports and no distinction was made by Brown and Hurd between vessels with and without contraband of war, this was an idle and useless threat. A. J. Dallas, commanding the United States naval force in the Gulf of Mexico, was appealed to to convoy and protect American shipping,<sup>1</sup> and he assured the shippers that he would do so. This was eminently proper at the time, as no blockade of Mexican ports was then in force; but on the 21st of July, 1836, President Burnet issued a proclamation<sup>2</sup> from Velasco, declaring a blockade of the port of Matamoras, and ordering a sufficient number of war vessels to the mouth of the Rio Grande, and the Brazos Santiago to enforce the blockade strictly. Notwithstanding this effective blockade, which it was important for Texas to maintain in order to prevent transports laden with provisions reaching Matamoras from New Orleans, and transports loaded with troops at Matamoras from reaching Texas, Commodore Dallas, on August 9, 1836, wrote a letter from Pensacola,<sup>3</sup> stating that he would despatch a war vessel to the mouth of the Mississippi to convoy any vessels bound to Matamoras, and that he would raise the blockade. This, however, was an actual and legal, not a paper, blockade; and hence, in this case at least, Commodore Dallas was in the wrong and merited to the fullest extent the criticism directed against him by the Texans and the New Orleans press for his arbitrary interference with the struggling Republic of Texas.

On May 20, 1836, the *Brutus* left New Orleans to convoy ves-

<sup>1</sup>New Orleans *Commercial Bulletin*, May 11, 1836.

<sup>2</sup>*Telegraph and Texas Register*, August 16, 1836.

<sup>3</sup>The substance of this letter is quoted in the *Telegraph and Texas Register*, September 6, 1836, from the *New Orleans Bulletin*, August 13, 1836.

sels to Galveston. From Galveston she sailed for the Mexican coast and soon afterwards was, as has already been related, blockaded in the mouth of the Rio Grande by the Mexican brig of war, *Vencedor del Alamo*.<sup>1</sup> From this situation she was relieved in July, and soon thereafter was very effectually assisting, in her turn, in the blockade of Matamoras, as ordered by the proclamation of President Burnet.

The following item relative to the *Brutus* appears in a New Orleans paper the following month:<sup>2</sup>

Extract from the log-book of brig St John, arrived yesterday August 3d, in lat. 26 36, long. 87 25, was boarded by the first officer of the Texian armed schr. Brutus, Captain Hurd. The B. has been on a cruise for nearly three months, was in want of provisions—could not supply her with any article except sugar, being short. The officer told Captain Parmly, of the St. John, that the Brutus had a few days before taken a prize and sent her into Galveston—that she had on board \$40,000 in specie, and a valuable cargo [?]<sup>3</sup>

But a short time later, when the president wished to order a descent on Matamoras for the purpose of capturing military stores known to be there, he learned that Captain Hurd had, without orders, sailed for New York. Hurd's reason for this has never been ascertained.<sup>4</sup> While in the port of New York, between September, 1836, and February, 1837, the *Brutus* was in danger of being sold to defray her expenses; but, through the agency of Samuel Swartwout, she was freed from debt at the same time that he liberated the *Invincible*.<sup>5</sup> In March she sailed for Texas; and on the 15th of April, 1837, she again came to anchor in a Texas port, but without provisions and with the larger part of her crew missing.<sup>6</sup>

The *Independence* having been recently captured by the Mexicans, and the officers imprisoned, the Senate and House of Representatives, on April 29, 1837, passed a resolution instructing the

<sup>1</sup>THE QUARTERLY, XII, 195.

<sup>2</sup>The *New Orleans Bee*, August 10, 1836.

<sup>3</sup>The interrogation mark and the brackets belong to the original.

<sup>4</sup>D. G. Burnet, in *Texas Almanac*, 1861, p. 45.

<sup>5</sup>See p. 257 above.

<sup>6</sup>Proclamation of President Houston, May 5, 1837, in *Telegraph and Texas Register*, May 9, 1837.



president to send the *Brutus* and the *Invincible* to Brazos Santiago to negotiate an exchange of prisoners. On May 31, President Houston vetoed the resolution and in a lengthy message pointed out that there was nothing to gain and much to lose by sending the only two remaining war vessels on such an errand; that the prisoners would, on the approach of such vessels, very likely be carried to the interior, and treated more harshly; that any kind of a neutral or unarmed vessel would be better employed to carry such commissioners; and that, finally, he would veto the resolution, if for no other reason, because he considered it an unwarranted interference on the part of the legislative department with his constitutional authority as commander-in-chief of the navy.<sup>1</sup>

In June the *Brutus* cruised with the *Invincible* along the Mexican coast, with the secretary of the navy on board, as has been told already.<sup>2</sup>

In a letter describing this cruise to the secretary of the navy,<sup>3</sup> Captain Boylan says that on July 22 the two vessels captured the Mexican schooner *Union*, and a few days later the *Adventure* and the *Telegraph*—the former of which was burned, though the latter was sent into port for adjudication. On August 12 they captured the *Correo*, on the 17th the *Rafaelita*, which, as the *Correo Mexicano*, had been commanded in 1835 by Lieutenant T. M. Thompson, and soon afterwards the *Abispa*.

In a letter reviewing the cruise of the *Brutus* and *Invincible*, the secretary of the navy declared that their brilliant exploits were attributable to the skill, courage, and determination of the officers and crews; and that, if Congress would only extend its fostering protection and support to the navy, the names of Geo. W. Wheelwright, Henry L. Thompson, and Jas. D. Boylan would "stand brightly conspicuous in the pages of our national history."<sup>4</sup>

What followed this hopeful prediction is an illustration of the irony of history; Captain Boylan was ordered by the acting secretary of the navy to superintend the collection of evidence concerning the charges preferred against Captain Thompson and the

<sup>1</sup>See *House Journal*, 1st Tex. Cong., 2nd Sess., pp. 84-87.

<sup>2</sup>See above, pp. 258-260.

<sup>3</sup>Boylan to Fisher, September 1, 1837, Navy Papers, Texas State Library.

<sup>4</sup>S. Rhoads Fisher to John Birdsall, T. J. Gazley and others, September 4, 1837, in *Telegraph and Texas Register*, September 9, 1837.

other officers of the *Invincible*,<sup>1</sup> while the president himself took in charge the head of the navy and secured his removal, as has been shown. In studying the records concerning the trial of these officers, one finds it difficult to believe that they were treated with justice. The one, without being found guilty, was dismissed from service; and what might have been the fortune of the other, but for the fact that death prevented his trial, must remain uncertain. The *Brutus* did much to help the Republic of Texas in its infancy, and they who served aboard her should ever be remembered by Texans with that degree of respect and admiration to which the heroic pioneers, be their services on sea or land, are entitled.

#### VIII. THE INDEPENDENCE.

In the study of the beginnings of the Texas navy the incidents connected with the purchase of the *Independence* have already been recounted.<sup>2</sup> On January 10, 1836, commanded by Captain Charles E. Hawkins,<sup>3</sup> she began her first cruise. From New Orleans she went to Galveston, and then proceeded along the Mexican coast, capturing and destroying a considerable number of small craft, with all material on board that could be used to the injury of Texas. Captain Hawkins, however, always respected the private property of the Mexicans. The *Independence* returned to New Orleans to refit, and soon after, March 12, 1836, Hawkins received his commission from the General Convention as captain of the *Independence*. He was senior captain of the Texas navy, and President Burnet, with the consent of his cabinet, appointed him commodore.<sup>4</sup> The *Independence* thus became the flagship of the fleet. Captain Hawkins was present at the seat of government

<sup>1</sup>*House Journal*, 2d Tex. Cong., 1st and 2d Sessions, 170.

<sup>2</sup>See THE QUARTERLY, XII, 202-203.

<sup>3</sup>According to Tennison's Journal, other officers of the *Independence* were: First Lieutenant Galligher, Second Lieutenant James Mellus, Sailingmaster W. P. Bradburn, Chief Surgeon A. Levy, Purser — Leving, Midshipmen William A. Tennison, and E. B. Harrington, Boatswain Robert Gyles, and Gunner George Marion. There was a crew of forty men. The Texas Almanac, 1860, p. 165, erroneously makes Galligher a Lieutenant on the *Brutus*. The Purser, Leving, was probably the same man as Lieutenant William H. Leving of the *Invincible*, who was detained on board the *Bravo*, and who was shot by order of Santa Anna in April, 1836. See pp. 6-7, above.

<sup>4</sup>See Burnet's Message in *Telegraph and Texas Register*, October 11, 1836.

when he was commissioned, and at once started for Matagorda to join his vessel for a cruise. On the 21st of March, in company with Captain William A. Hurd, he passed through San Felipe, and the editor of the *Telegraph and Texas Register*<sup>1</sup> said of them:

. . . The chivalry and determined character of these gentlemen is so well known that we are impatient to have them meet the force of the tyrant. Liberty and laurels will then waive over tyranny and defeat.

Arrived at Matagorda, Commodore Hawkins reorganized his corps of officers,<sup>2</sup> and March 20th the *Independence* started on her second cruise.

After destroying a number of small Mexican vessels during the earlier part of April, the *Independence* became engaged with two brigs of war, the *Urrea* and the *Bravo*, and an unknown schooner, of which the two brigs carried together twenty guns, while the *Independence* carried only eight. Before beginning the engagement, Commodore Hawkins asked his men if he should do so and was answered with cheers. He then made the attack, but the Mexican vessels soon drew off. The *Independence* then waited, expecting them to renew the fight; but they did not, and she sailed to Galveston, hoping to return with the *Invincible* and the *Brutus* and to capture the Mexican vessels.<sup>3</sup> The plan, however, was not carried out. The Texan government, believing that a descent upon

<sup>1</sup>Issue of March 24, 1836.

<sup>2</sup>In Tennyson's Journal the following changes are noted: George Wheelwright was made Captain, James Mellus was promoted to the first lieutenancy, Frank B. Wright became second lieutenant, and J. W. Taylor, third. Thomas Crosby was appointed lieutenant of marines; Joseph Hill, an additional midshipman; William T. Brennan, captain's clerk, and J. T. K. Lothrop, supernumerary. All the rest of the officers of the first cruise except Lieutenant Galligher were retained for the second. But before the vessel sailed Mellus was ordered to the *Invincible*; Wright, Taylor and Lothrop became respectively first, second and third lieutenant, and Brennan became purser in place of Leving, who resigned. Captain Wheelwright was originally assigned with the *Liberty*, but at this time Captain Brown had that vessel off on a cruise.

<sup>3</sup>Tennyson's Journal, folios 314-316. Tennyson writes two accounts of this engagement, and one of them says that Commodore Hawkins was disappointed to find that the *Brutus* and *Invincible* had, without his orders, gone to New York, which prevented his returning to the attack. This would fix the date of the encounter early in August. I have followed the account which is evidently the more accurate and which fixes it in April.

Galveston Island by the Mexicans was to be expected, detained the *Independence* to assist in the fortification of the island.<sup>1</sup>

While the officers and crew of the *Independence* were anxiously on the lookout from day to day, to be ready for the reputed invasion by sea, the battle of San Jacinto was fought and won by Texas on the 21st day of April, 1836. The news was brought to Galveston by Robert J. Calder, who had commanded a company in the battle, and Benjamin C. Franklin, who was judge of the admiralty court of the district of Brazos, but had fought as a private at San Jacinto. They made the trip to Galveston in a row-boat, and arrived on the 28th. Captain William S. Brown, of the *Invincible*, was the first to hail them with the question, "What news?" The account of what followed is taken from the historian Thrall, who had it from Calder himself:<sup>2</sup>

"When I told him, his men," says Calder, "literally lifted us on board, and in the midst of the wildest excitement Brown took off his hat and gave us three cheers, and threw it as far as he could into the bay. He then shouted to his men, 'Turn loose Long Tom.' After three discharges, he suddenly stopped and said: 'Hold on, boys, or old Hawkins (the senior commodore) will put me in irons again.'" Declining to wait for anything to eat, they were treated to the best liquor on the ship. They entered the captain's gig, and with four stalwart seamen started for the harbor. The *Independence*, the flagship of Commodore Hawkins, was anchored between them and the landing. As they approached the ship, Commodore Hawkins, with his glass, recognized Franklin and Calder, and began eagerly hailing for the news. When they were sufficiently near to be understood, a scene of excitement ensued begging description; and now it spread from vessel to vessel, reached groups on the land, and the welkin rang with shout after shout, until the people were hoarse. Hawkins fired thirteen guns. We suppose this was for the old thirteen colonies, as Hawkins had been in the U. S. navy. When the Commodore learned that they had been fasting for twenty-four hours, he had a sumptuous dinner prepared, and the party did not need much urging to stay and partake of the hospitalities of the old salt. They were staying a little too long, and finally Hawkins hinted that they had better go ashore and report to the President.

President Burnet, who was a great stickler for official prerogative, was a little miffed that everybody on the island should have

<sup>1</sup>Yoakum, II, 124.

<sup>2</sup>Thrall, 519, note.

heard the glorious news before he was notified of the battle and its result; and when the party reached the President's marquee they were received, as Calder says, "with stately courtesies—which at first we did not understand, thinking a little more cordiality and less formality would have suited the case and the messengers. This, however (continues our narrative) gradually subsided, and the president, before the interview closed, treated us with that grace and genial courtesy for which, throughout life, he was ever distinguished.

The president hastened to the battlefield; but having arrived there, he thought best to return to the coast. Accordingly, on the 5th of May he and his Cabinet and General Houston, with Santa Anna, Cos, and other Mexican prisoners, took passage on the *Yellowstone* back to Galveston Island. No accommodations being found there, Santa Anna was transferred to the *Independence*; and, when President Burnet and the Cabinet came on board, sail was made on the 8th for Velasco, at the mouth of the Brazos. Velasco was the great seaport of the Republic at that time. Arrived at Velasco, President Santa Anna entered into negotiations with his captors, which resulted in a treaty; and one of the stipulations was that he was to be sent to Vera Cruz to carry it into effect. We have already noted how he was taken from the *Invincible*,<sup>1</sup> which was to carry him and the commissioners to Vera Cruz.

Before this occurred, however, the *Independence* left Velasco for New Orleans. It reached that city in seven days, on June 13, and, below the Point, announced its arrival by Hawkins' favorite salute of thirteen guns.<sup>2</sup> Peter W. Grayson and James Collinsworth were on board as passengers. They were clothed with full power to negotiate with the United States Government for recognition of the independence of Texas, and left the next day for Washington for that purpose. The *Independence* cruised thence as far as the mouth of the Rio Grande, and for some reason, possibly for supplies, returned to New Orleans on August 3, 1836.<sup>3</sup> It reported the blockade of Matamoras an effective one, three Texan vessels being on guard.

On the 12th of August, the *Independence* spoke the schooner

<sup>1</sup>See above, p. 256.

<sup>2</sup>THE QUARTERLY, IV, 151, quoting from the New Orleans *Commercial Bulletin*, June 14, 1836.

<sup>3</sup>New Orleans *Commercial Bulletin*, August 4, 1836.

of war *Terrible* at the northeast pass of the Mississippi, and informed that vessel that she was on her way to Matamoras to assist the *Invincible* in the blockade; when she arrived, however, the latter had left for New York. With the *Invincible* and the *Brutus* in New York, and the *Liberty* detained in New Orleans, Texas now found herself in momentary expectation of an invasion with only the *Independence* and four small privateers available for the defense of her coast.<sup>1</sup>

Toward the end of the year Commodore Hawkins again sailed for New Orleans to refit; and in January, 1837, he died of small-pox at Madam Hale's residence on Canal Street.<sup>2</sup> While he was only thirty-six years old at the time, he had had a varied experience, and had made a favorable impression upon every one with whom he came into contact. When a mere youth he entered the United States navy as a midshipman and was soon promoted to a lieutenantancy; but, being of a restless disposition, on the outbreak of the Mexican Revolution he resigned his commission and entered the Mexican service with Commodore Porter with the rank of post-captain. Off Cuba he did excellent service and became a terror to the Spanish shipping. He resigned his position at the end of the revolution and in 1834 was a popular captain on the Chattahoochee River. In the fall of 1835 he joined Mexía's ill-fated expedition as *aide-de-camp* and after its failure came to Texas.<sup>3</sup> He presented himself to Governor Smith, and received from him the following letter:<sup>4</sup>

Executive Department of Texas.

*To Stephen F. Austin, B. T. Archer and Wm H Wharton, Esqrs—  
Agents of the People of Texas to the United States of America.  
Gentlemen*

This will probably be handed you by Majr Charles E. Hawkins, a gentleman whose experience and ability in naval affairs would render his services acceptable in any govt—and more particularly in ours, which is just emerging from chaos. The zeal and patriotism with which Majr Hawkins has espoused our cause entitles him to the highest commendation. He has identified

<sup>1</sup>*House Journal*, 1st Tex. Cong., 1st Sess., 97.

<sup>2</sup>Tennison's *Journal*, folio 314.

<sup>3</sup>*Telegraph and Texas Register*, September 8, 1838; Yoakum, II, 39.

<sup>4</sup>Smith to Archer, Wharton, and Austin, December 20, 1835, in Austin Papers.

himself with us by taking the oath and performing the necessary requisites to become a citizen. I confidently hope that you will properly appreciate the worth and abilities of Majr Hawkins and assign him such duties in fitting out our Navy as his experience and abilities will warrant and also, such a command in it as his zeal patriotism and your better judgments may direct. I am Gentlemen,

Your obt servant

HENRY SMITH

Governor.

San Filipe de Austin, Dec 20, 1835

The commission appointed him to the command of the *Independence*. Soon afterward he was appointed commodore by President Burnet; and, holding that distinguished title at the head of a small but successful navy, he died in the discharge of his duty and in favor with his countrymen.

Owing to Commodore Hawkins's death, there were some changes in the official staff of the *Independence*; and, when she left New Orleans on what was destined to be her last cruise, April 10, 1837, George Wheelwright was captain, and John W. Taylor, J. T. K. Lothrop, Robert Cassin, and W. P. Bradburn were lieutenants.<sup>1</sup> A number of passengers were on board, among whom were Col. Wm. H. Wharton, minister to the United States, then on his return to Texas; Captain Darocher, Dr. Richard Cochran, and George Estis, a lieutenant in the Texas navy. They had smooth sailing until the morning of April 17, when the *Independence* was attacked by two Mexican war vessels; and after a running fight of four hours she was forced to surrender.

Texans who saw only the close of the fight, and were not acquainted with the details, conceived at first that the *Independence* had struck without a blow; and it was not until an official report of it was sent from Brazos Santiago by the officer in command, and corroborated from other sources, that the Texans would speak of the affair. The following sentiments<sup>2</sup> expressed the voice of the people before and after the official account arrived:

<sup>1</sup>Other officers were Surgeon Levy, Purser Brannon, Lieutenant of Marines Thomas Crosby, Midshipmen Wm. A. Tennison, E. B. Harrington, Joseph Hill, and — Whitmore, Boatswain Robert Gyles, Gunner George Marion.

<sup>2</sup>*Telegraph and Texas Register*, June 8, 1837.

We rejoice that we are at length enabled to furnish the official account of the capture of the Independence. We have hitherto forbore offering any comment upon the former vague accounts of this transaction, as we felt confident that many important facts had been overlooked which would completely exculpate our gallant tars from any disparaging imputation. We confess that when the first news of this combat arrived, containing the intelligence that the Independence had surrendered to two Mexican brigs without having received any injury, and her crew unhurt, a flash of shame and indignation mantled on our cheeks and the exclamation, "30 or 40 cowards and an old hulk are no loss," almost involuntarily fell from our lips; better we thought it would have been if this crew dauntlessly nailing this unsullied flag to the masthead, hurling their mortal defiance to the groveling foe—had fought on, and on, shouting the stern war cry of "victory or death," until the star of Texas, like the "star of day," went down in glory beneath the blood red billows, where foaming crests were singing to the last exulting cry of an unconquered band of freemen.

But the following statements have fully convinced us that we did injustice to these gallant tars, in harboring even for a moment a thought so unworthy of them and of the Texian name.

Far from blaming them for this surrender, we rejoice that they may yet be preserved to ride through the battle storm which shall rend the tyrant banner from the mast it disgraces. This desperate and protracted conflict will long hold a prominent place in the annals of Texas, and like the fall of the Alamo, it shall inspire our children with ennobling sentiments. No flush of shame shall redden their youthful cheeks as they read the page which declares that thirty-one Texians six only of these seamen, in a slow sailing armed schooner, mounting only six *sizes* and one long *nine* fought four hours and a half, two Mexican armed brigs, one mounting "16 medium eighteens" with a crew of 140 men; the other mounting "8 brass 12 pounders" and one long eighteen midship, with a crew of 120 men! One is astonished in reflecting that this little vessel was not annihilated by the first broadside from her powerful opponents, her dauntless little crew appear to have been preserved almost by a miracle, and it is cheering to reflect that their heroic conduct has furnished new proofs that our national escutcheon yet remains bright and untarnished. True, the flag of our country has once been struck on the stormy billows of the Gulf, but like the Roman eagle stooping before the sword of Epirus, it has wrung from the abashed conquerer the bitter confession, "Such men are invincible."

The official report<sup>1</sup> of the battle, written by Lieutenant J. W.

<sup>1</sup>*Telegraph and Texas Register*, June 8, 1837.



Taylor, who succeeded Captain Wheelwright in command after the latter was wounded, is as follows:

Brazos de St Iago April 21st 1837

To the Honorable S Rhoads Fisher, Secretary of the Navy

Sir—I have the honor hereby to transmit you an account of the late engagement between our government vessel Independence and two of the enemy's brigs of war, one the Libertador of sixteen eighteen pounders, 140 men; the other, the Vincedor del Alamo, mounting six twelve-pounders, and a long eighteen amidships, with one hundred men. Captain Wheelwright having during the action received a very dangerous wound, the duty of sending this melancholy communication has devolved upon me, towit:

On the morning of the 17th, in latitude 29 deg. N., longitude 95 deg. 20 min. W., at 5 h. 30 m. A. M. discovered two sail about 6 miles to windward; immediately beat to quarters; upon making us out they bore down for us with all sail set, signalized, and then spoke each other. At 9 h. 30 m., the Vincedor del Alamo bore away, getting in our wake to rake us, the Libertador keeping well on our weather quarter, we immediately hoisted our colors at the peak. The enemy in a few minutes hoisting theirs, the Libertador on our weather quarter edging down for us all the time, till within about one mile, gave us a broadside, without wounding any of our men or doing other damage; the fire was at the same time returned from our weather battery, consisting of three sixes and the pivot, a long nine, the wind blowing fresh, and from our extreme lowness our lee guns were continually under water, and even the weather ones occasionally dipped their muzzles quite under. The firing on both sides was thus briskly kept up for nearly two hours, the raking shots from the Vincedor in our wake nearly all passing over our heads, as yet sustaining but trifling injury; at 9 h. 30 m. the Libertador on our weather quarter, bore away and run down till within two cables length of us, luffed and gave us a broadside of round shot, grape and canister, while all this time the brig Vincedor in our wake continued her raking fire. Notwithstanding this we still continued on our course for Velasco, maintaining a hot action for full 15 minutes, with some effect upon her sails and rigging. The Libertador now hauled her wind, widening her distance, apparently wishing to be further from us, when she again opened her fire, which was on our part kept up without cessation. At 11 A. M. she again bore away, run down close to our quarter and gave us another broadside of round shot, grape and canister, which told plainly on our sails and rigging; as before she again hauled her wind to her former position, and played us briskly with round shot, one of which struck our hull, going through our copper and buried itself in her side. At 11 h. 30 m.

A. M. a round shot passed through our quarter gallery, against which Captain Wheelright was leaning, inflicted a severe wound on his right side, knocked the speaking trumpet out of his hand, terribly lacerating three of his fingers; he was conveyed below to the surgeon, leaving orders with me to continue the action. We still held on our course in our respective positions, keeping up an incessant fire, for full half hour, when the enemy signalized; then the Vincedor in our wake luffed up and gained well on our weather quarter; at that time the Libertador, on our weather beam bore away and ran down under our stern within pistol shot, our decks being completely exposed to her whole broadside, and at the same time open to the raking fire of the Vincedor on our weather quarter. In this situation, further resistance being utterly fruitless, and our attempts to beach the vessel ineffectual, I received orders, from Captain Wheelright to surrender, which was done.

The only damage done to our vessel, was that of parting some of our rigging, splitting the sails, a round shot in her hull, and the quarter gallery, which was shot away. Captain Wheelright was the only person wounded on board. We shot away the Libertador's main top-gallant mast, unshipped one of her gun carriages, took a chip off the after part of the foremast, killed two men, and cut her sails and rigging severely. We were immediately boarded by capt Davis of the Libertador, who pledged his honor, and that of Commodore Lopez, who was then on board, that we should receive honorable treatment as prisoners of war, as officers and gentlemen, and as soon as an exchange could be effected, we should be sent home. The kind attention and courtesy we have received from Commodore Lopez, Captain Davis and officers has been truly great for which we tender them our sincere thanks, likewise Captain Thompson of the schooner of war Bravo has extended every civility and kindness. We leave this place tomorrow for Matamoros: what disposition will be made of us I know not.

Besides the officers and crew of our vessel, we had on board as passengers, the honorable Wm. H. Wharton, Mr. Levy, Surgeon T. N., captain Darocher, T. A.,<sup>1</sup> Mr. Thayer, of Boston, Mr. Wooster, English subject, George Eless, acting lieutenant T. N. and Mr. Henry Childs.

I remain very respectfully, your obedient servant,

J. W. Taylor, Lieut.

[P. S.] Our crew consisted of 31 men and boys, besides the officers; out of this number there were six seamen, the balance not knowing one part of the ship from the other, and it was with great difficulty that we obtained this crew while in New Orleans.

<sup>1</sup>Intended for N.

Tennison's Journal mentions one incident connected with the surrender, not referred to in the official account. He says that upon Davis's demand to surrender Taylor said to him: "Sir, I am your prisoner, but my sword you shall never receive," so he threw it overboard.<sup>1</sup>

The surrender took place within plain view of Velasco, and the whole town, including the secretary of the navy, S. Rhoads Fisher, turned out to see the struggle. Their criticism of the government, for not keeping its vessels well manned and provisioned to guard the Texas coast, instead of leaving them in New Orleans for months trying to get outfitted, was the spur which impelled Fisher to give the matter his entire attention, and to take passage on the *Invincible* a few weeks after this, in order to give the Mexicans battle. His efforts, and their results have been noticed in the history of these two vessels.

The *Independence* and the prisoners were carried to Brazos Santiago by the victorious vessels.<sup>2</sup> The Mexican papers state that the *Independence* was bravely defended before she was taken. Their notices of the capture include also the information that one of her guns was an eight pounder, lost by the Mexicans some time since at San Jacinto. It was considered by the Texans one of their chief trophies, and bore the initials of many of the principal ladies of Texas. The principal officers of the *Independence* received the kindest of treatment through the special orders of President Bustamante. For the first three months of their imprisonment the crew were treated rather harshly, but after that they had no complaints to make. For many favors the officers and crew felt especially grateful to the president, to Commodore López, and to Captains Martínez, Davis, and Thomas Thompson. Through the instrumentality of Captain Thompson, Captain Wheelwright and Dr. Levy, with the consent of all the officers of the *Independence*, made their escape early in July,<sup>3</sup> Captain Thompson accompanying them, and leaving the Mexican service to join the Texas navy.<sup>4</sup> After arriving in Texas, Thompson was

<sup>1</sup>Tennison's Journal, folio 316, p. 3.

<sup>2</sup>*Gazeta de Tampico*, April 29, 1837; *Mercurio de Matamoros*, April 21, 1837.

<sup>3</sup>New Orleans *Commercial Bulletin*, July 12, 1837.

<sup>4</sup>See *Telegraph and Texas Register*, July 8, 1837.

appointed post-captain at Galveston, where Alex. Thompson, the chief hydrographer for Texas, had selected a suitable site for a navy yard<sup>1</sup> for the Republic. The interest that the Texan Congress took in the release of the prisoners, and President Houston's attitude toward the effort have already been noticed.<sup>2</sup> In his message of November 21, 1837,<sup>3</sup> Houston recites the unsuccessful attempt of the government, through the agency of John A. Wharton, to secure an exchange; but consoles himself with the fact that some of the prisoners escaped and that President Bustamente set the others free in October. Before learning of their release, Congress, spurred on by Houston, passed a joint resolution authorizing reprisals upon Mexico; but this was withdrawn upon their arrival at Galveston, November 4.

On December 14, 1837, Congress appropriated \$250,000 for back pay of officers, soldiers, and sailors, and a joint resolution of December 18 authorized the auditor to settle with Thomas Brennan, purser of the *Independence*, the claims of the officers and crew of that vessel.<sup>4</sup>

There was one other vessel connected with the Texan naval establishment. Her mission seems to have been a peaceful one. This was the receiving vessel *Potomac*. She was purchased from Captain L. M. Hitchcock,<sup>5</sup> formerly a lieutenant on the *Invincible*, for \$8000. Later, by recommendation of the secretary of the navy, she became a pilot boat at Galveston.

Here ends the history of the first navy of Texas. As early as 1836, however, the Republic of Texas was anxious to have a stronger navy, and Congress passed favorably on measures for procuring a new and stronger fleet, composed principally of steam vessels. The account of this movement, the acquisition of the vessels, and their history, is distinctly separate from that of the first navy of the Republic, and it will be given next.

<sup>1</sup>Burnet issued a decree on April 21, 1836, establishing a naval depot at Galveston Island. See *Texas Almanac*, 1869, p. 57.

<sup>2</sup>See pp, 263-264, above.

<sup>3</sup>*Telegraph and Texas Register*, November 25, 1837.

<sup>4</sup>Gammel, *Laws of Texas*, I, 1398, 1399.

<sup>5</sup>See *House Journal*, 3d Tex. Cong., 18.